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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HUSEIN HELAIQA,

Plaintiff,

v.

Department of Homeland Security, MICHAEL
 CHERTOFF, Secretary; U.S. Attorney General,
 ALBERTO R. GONZALES; United States
 Citizenship and Immigration Services, EMILIO
 T. GONZALEZ, Director; United States
 Citizenship and Immigration Services,
 ALFONSO AGUILAR, Chief; United States
 Citizenship and Immigration Services, DAVID
 STILL, District Director and ROBERT
 MUELLER, III, Director of Federal Bureau of
 Investigation,

Defendants.

No. C 07-1253 MHP

**STIPULATION TO EXTEND DATE OF
 CASE MANAGEMENT CONFERENCE;
 AND [PROPOSED] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a 60-day extension of the case management conference in this case, based on the following:

1. The plaintiff filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on March 28, 2005.

2. As part of its processing of the naturalization application, the USCIS asked the FBI to conduct a name check of the plaintiff.

3. The plaintiff was interviewed by the USCIS on his naturalization application on or about August 2, 2005.

4. To date, the FBI has not yet completed the name check of the plaintiff.

5. On March 2, 2007, the plaintiff filed an action under 8 U.S.C. § 1447(b), which provides that if the USCIS has failed to make a determination on an individual's application for naturalization within 120 days after the date on which the applicant is examined, the applicant may apply to the United States District Court for a hearing on the matter, and the District Court "may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter." 8 U.S.C. § 1447(b).

6. The USCIS asked the FBI to expedite the processing of the plaintiff's name check on March 27, 2007.

7. The parties respectfully ask this Court to extend the date of the case management conference, currently scheduled for June 11, 2007, for approximately sixty days in light of the reasonable possibility that the FBI will complete the name check within that period of time and the USCIS can then adjudicate the naturalization application.

7. The parties ask this Court to re-schedule the case management conference for ~~August 13,~~ August 27, 2007, at 4:00 p.m.

Dated: June 4, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendants

Dated: June 4, 2007

/s/
GERI N. KAHN
Attorney for Plaintiff

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: June 5, 2007

MARILYN H. PATEL
United States District Judge

